{deleted text} shows text that was in HB0060S02 but was deleted in HB0060S03.

inserted text shows text that was not in HB0060S02 but was inserted into HB0060S03.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative {Walt Brooks} Timothy D. Hawkes proposes the following substitute bill:

VACCINE PASSPORT AMENDMENTS

2022 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Walt Brooks

Senate Sponsor: Michael S. Kennedy

Adam Robertson Cosponsors: Dan N. Johnson Nelson T. Abbott Michael L. Kohler Douglas V. Sagers Cheryl K. Acton Karianne Lisonbee Mike Schultz Carl R. Albrecht Steven J. Lund Travis M. Seegmiller Kera Birkeland Phil Lyman Rex P. Shipp **Brady Brammer** V. Lowry Snow A. Cory Maloy Jefferson S. Burton Jefferson Moss Keven J. Stratton Kay J. Christofferson Calvin R. Musselman Mark A. Strong Joel Ferry Michael J. Petersen Christine F. Watkins Jon Hawkins Val L. Peterson Stephen L. Whyte

{Ryan D. Wilcox

Ken Ivory

+LONG TITLE

General Description:

This bill {enacts a prohibition on the use of an individual's immunity status by places of public accommodation,} prohibits a business, employer, or governmental {entities, and employers} entity from requiring a vaccine passport for entry or service.

Highlighted Provisions:

This bill:

- {makes it unlawful for a place of public accommodation to discriminate against an individual based on the individual's immunity status;
- with certain exceptions, prohibits a) prohibits a business, employer, or governmental entity from {requiring proof of immunity status;
- with certain exceptions, makes it unlawful discrimination for an employer to require
 proof of immunity status; and
- prohibits a governmental entity or employer from requiring} denying an individual {to receive a vaccine} access to premises or services for failure to present proof of vaccination for COVID-19; and
 - enacts penalties for a violation of the prohibition in this bill.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

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AMENDS:
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63D-2-102, as last amended by Laws of Utah 2021, Chapter 345
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{ 63I-1-226, as last amended by Laws of Utah 2021, Chapters 13, 50, 64, 163, 182, 234, and 417
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ENACTS:

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<del>{13-7-5}</del><u>26-68-202</u>, Utah Code Annotated 1953
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26-68-103, Utah Code Annotated 1953
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34A-5-113, Utah Code Annotated 1953

REPEALS:

26-68-101, as enacted by Laws of Utah 2021, Chapter 182 **26-68-102**, as enacted by Laws of Utah 2021, Chapter 182

Be it enacted by the Legislature of the state of Utah:

Section 1. Section $\{13-7-5\}$ 26-68-202 is enacted to read:

{13-7-5. Equal right in business establishments, places of public accommodation, and enterprises regulated by the state based on immunity status.

- (1) As used in this section, "immunity status" means an indication of whether an individual is immune to a disease, whether through vaccination or infection and recovery.
- (2) All persons within the jurisdiction of this state are free and equal and are entitled to full and equal accommodations, advantages, facilities, privileges, goods, and services in all business establishments and in all places of public accommodation, and by all enterprises regulated by the state of every kind whatsoever, without discrimination on the basis of immunity status.
- (3) Nothing in this section shall be construed to deny any person the right to regulate the operation of a business establishment or place of public accommodation or an enterprise regulated by the state in a manner which applies uniformly to all persons without regard to immunity status, or to deny any religious organization the right to regulate the operation and procedures of the religious organization's establishments.
- (4) (a) The provisions in Section 13-7-4 shall apply to enforcement and violations of this section.
- (b) Upon application to the attorney general by any person denied the rights guaranteed by this section, the attorney general shall investigate and seek to conciliate the matter.

Section 2. Section 26-68-103 is enacted to read:

CHAPTER 68. COVID-19 VACCINE AND IMMUNITY

PASSPORT RESTRICTIONS ACT

<u>26-68-103}26-68-202.</u> Prohibition on requiring {immunity passports or vaccination -- Exceptions}a COVID-19 vaccine passport.

- (1) As used in this section:
- (a) "Business entity" means a sole proprietorship, partnership, limited partnership,

<u>limited liability company, corporation, or other entity or association used to carry on a business, regardless of whether the entity is for profit or not-for-profit.</u>

- (b) "COVID-19 vaccine passport" means documentation, regardless of whether the documentation is physical or digital, certifying that an individual:
- (i) received one or more vaccinations for COVID-19, as defined in Section 78B-4-517; or
 - (ii) was infected with or recovered from COVID-19, as defined in Section 78B-4-517.

 (12) "Governmental entity" means the same as that term is defined in Section
- ({b) "Immunity passport" means a document, digital record, or software application indicating that an individual is immune to a disease, whether through vaccination or infection and recovery.
- (c) "Regulated entity" means an employer, as defined in Section 34A-6-103, that is subject to a regulation by the Centers for Medicare and Medicaid Services regarding a COVID-19 vaccine, unless the employer is:
 - (i) the state or a political subdivision of the state; and
 - (ii) not an academic medical center.

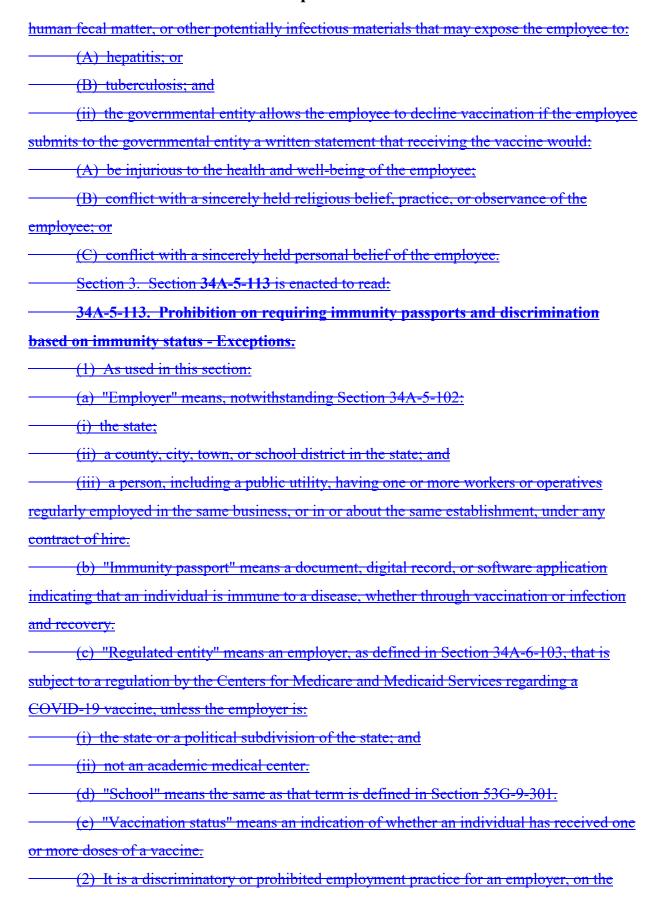
63D-2-102.

- (d) "Vaccination status" means an indication of whether an individual has received one or more doses of a vaccine.
- (2) A}2) A business entity or governmental entity may not {:
- (a) refuse, withhold from, or deny to an individual any local or state service, good, facility, advantage, privilege, license, educational opportunity, health care access, or employment opportunity based on the individual's vaccination status, including whether the individual has an immunity passport; or
- (b) require any individual, directly or indirectly, to receive a vaccine.
- (3) Subsection (2) does not apply to:
- (a) , solely on the basis of failing or refusing to present a valid COVID-19 vaccine passport to the business entity or governmental entity, deny a patron or customer:
 - (a) access to the business entity or governmental entity;
 - (b) entry upon the premises of the business entity or governmental entity; or
 - (c) service from the business entity or governmental entity.

(3) This section does not: (a) apply to: (i) a health care facility as defined in Section 26-21-2; (ii) a school, as defined in Section 53G-9-301, to verify vaccination for a vaccination requirement {by a degree-granting institution of higher education, if the vaccination requirement is implemented in accordance with Section 53B-2-113; (b) a vaccination requirement by a school if the vaccination requirement}that is implemented in accordance with Title 53G, Chapter 9, Part 3, Immunization Requirements; or ({c}iii) a {child care program} degree-granting institution of higher education, as defined in Section {26-39-102 if the} 53B-1-101.5, to verify vaccination for a vaccination requirement that is implemented in accordance with {applicable provisions of state and federal law; (d) a regulated entity if compliance with Subsection (2) would result in a violation of binding, mandatory regulations or requirements that affect the regulated entity's funding issued by the Centers for Medicare and Medicaid Services or the United States Centers for Disease Control and Prevention; (e) a recommendation by a Section 53B-2-113; or (b) prohibit a business entity or governmental entity {that an employee receive a vaccine; (f) a contract for goods or services entered into before May 4, 2022, if: (i) application from: (i) encouraging a patron or customer to receive a COVID-19 vaccination; (ii) facilitating the provision of a COVID-19 vaccination for a patron or customer; or (iii) providing a monetary incentive for a patron or customer to present a COVID-19 vaccination passport. (4) The department may impose a fine of up to \$100 for each violation of this section would result in a substantial impairment of the contract; and (ii) the contract is not between an employer and the employer's employee; or (g) a governmental entity, as defined in Section 63D-2-102, with respect to an

(i) the employee has, as part of the employee's duties, direct exposure to human blood,

employee of the governmental entity if:



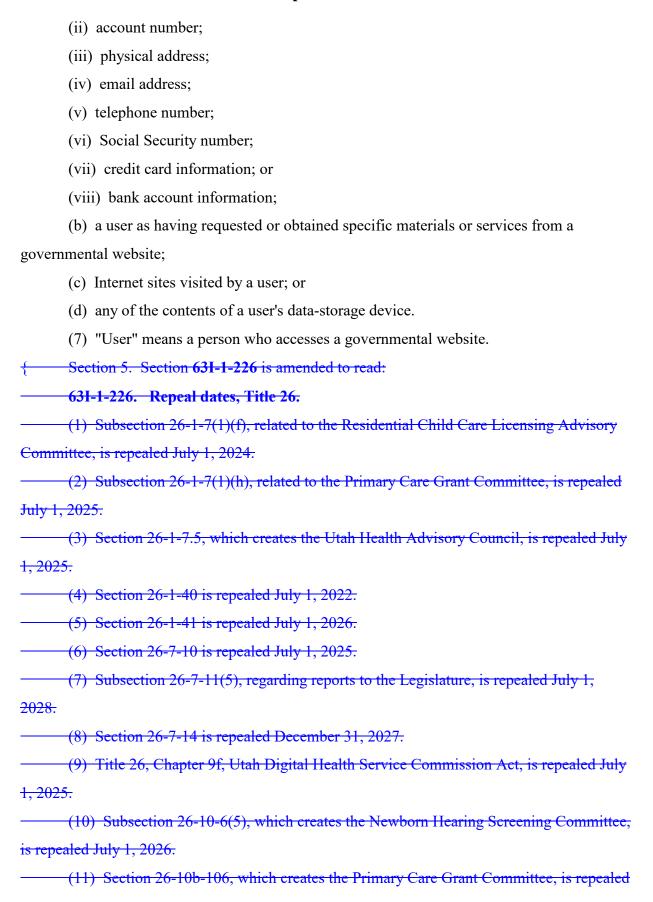
basis of an individual's vaccination status or whether the individual has an immunity passport, to: (a) refuse employment to an individual; (b) bar an individual from employment; or (c) discriminate against an individual in compensation or in a term, condition, or privilege of employment. (3) Subsection (2) does not apply to: (a) a vaccination requirement by a child care program as defined in Section 26-39-102 if the vaccination requirement is implemented in accordance with applicable provisions of state and federal law; (b) a regulated entity if compliance with Subsection (2) would result in a violation of binding, mandatory regulations or requirements that affect the regulated entity's funding issued by the Centers for Medicare and Medicaid Services or the United States Centers for Disease Control and Prevention: (c) a recommendation by an employer that an employee receive a vaccine; (d) a contract for goods or services entered into before May 4, 2022, if: (i) application of this section would result in a substantial impairment of the contract; and (ii) the contract is not between an employer and the employer's employee; or (e) a governmental entity, as defined in Section 63D-2-102, with respect to an employee of the governmental entity if: (i) the employee has, as part of the employee's duties, direct exposure to human blood, human fecal matter, or other potentially infectious materials that may expose the employee to: (A) hepatitis; or (B) tuberculosis; and (ii) the governmental entity allows the employee to decline vaccination if the employee submits to the governmental entity a written statement that receiving the vaccine would: (A) be injurious to the health and well-being of the employee; (B) conflict with a sincerely held religious belief, practice, or observance of the employee; or (C) conflict with a sincerely held personal belief of the employee}.

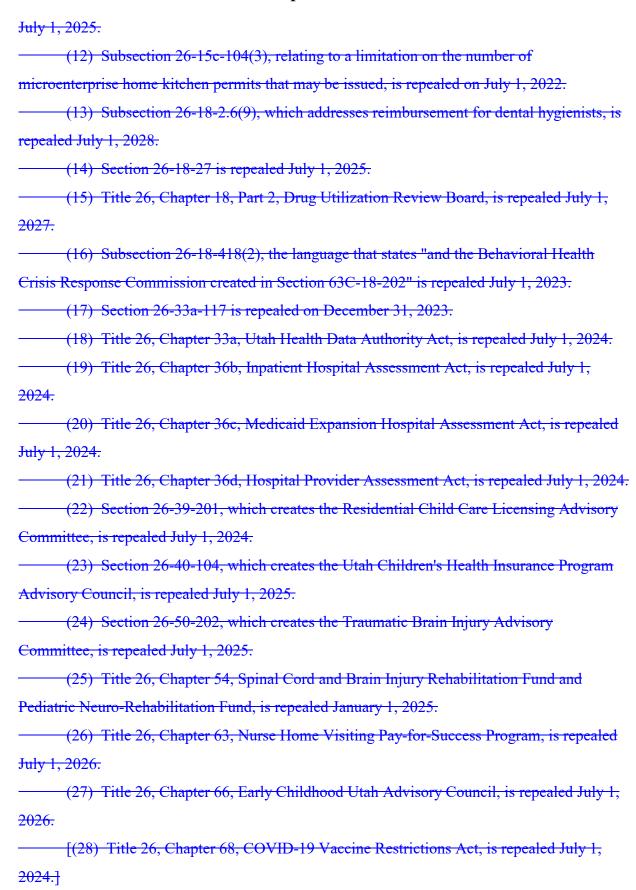
Section $\frac{4}{2}$. Section 63D-2-102 is amended to read:

63D-2-102. Definitions.

As used in this chapter:

- (1) (a) "Collect" means the gathering of personally identifiable information:
- (i) from a user of a governmental website; or
- (ii) about a user of the governmental website.
- (b) "Collect" includes use of any identifying code linked to a user of a governmental website.
- (2) "Court website" means a website on the Internet that is operated by or on behalf of any court created in Title 78A, Chapter 1, Judiciary.
 - (3) "Governmental entity" means:
 - (a) an executive branch agency as defined in Section 63A-16-102;
 - (b) the legislative branch;
 - (c) the judicial branch;
 - (d) the State Board of Education;
 - (e) the Utah Board of Higher Education;
 - (f) an institution of higher education as defined in Section 53B-1-102; and
 - (g) a political subdivision of the state:
 - (i) as defined in Section 17B-1-102; and
 - (ii) including a school district.
- (4) (a) "Governmental website" means a website on the Internet that is operated by or on behalf of a governmental entity.
 - (b) "Governmental website" includes a court website.
- (5) "Governmental website operator" means a governmental entity or person acting on behalf of the governmental entity that:
 - (a) operates a governmental website; and
- (b) collects or maintains personally identifiable information from or about a user of that website.
 - (6) "Personally identifiable information" means information that identifies:
 - (a) a user by:
 - (i) name;





	Section 6. Repealer.
	This bill repeals:
	Section 26-68-101, Title.
	Section 26-68-102, Governmental entities prohibited from requiring a COVID-19
vaccir	10.
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